IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.291 OF 2005
IN
SUMMARY SUIT NO.3002 OF 2002

Ms.Parvati Dattatray Gandhe Plaintiff

versus

Laxman Rangya Koongari Defendant

Mr.R.G.Bhatt for plaintiff.

Prakash D. Gharge for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th August 2005

PC :

1. Mr.Gharge appearing in support states that a sum of Rs.50,000/- has been deposited by defendants in this Court.

2. The order passed by this Court on 27th October 2004 directs deposit of Rs.1.00 lakh within eight weeks. Admittedly time has expired. Present Notice of Motion is filed to condone the delay in depositing the amount. Now that amount of Rs.50,000/- is deposited,learned advocate appearing for plaintiff leaves the matter to

Court for appropriate directions so far as balance is concerned. Mr.Gharge applies for eight weeks time to deposit the balance amount of Rs.50,000/-. In my view, in the Notice of Motion the extension is sought till 30th August 2005. Accordingly, it is directed that on the condition that the defendant deposits a sum of Rs.50,000/- by 5th September 2005, further consequences provided by order XXXVII of CPC would not follow. In other words, the matter than would not be placed for ex-parte hearing/decree. However, in default, the plaintiff would be at liberty to apply for a decree/judgement in her favour. Notice of Motion disposed off. No order as to costs. Liberty to the plaintiff to apply in case the entire amount is deposited.

(S.C.DHARMADHIKARI, J.)